

ORIGINAL

FILED

July 15 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 08-0499

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID W. GUNDERSON,

Defendant and Appellant.

FILED

JUL 15 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Taryn Stampfl Hart, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until August 21, 2009, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 15th day of July, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
301 South Park, Room 568
P.O. Box 200145
Helena, MT 59620-0145

By: 

TARYN STAMPFL HART
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Taryn Stampfl Hart, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

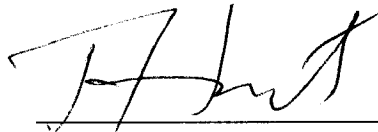
3. The Appellant's opening brief was first due on June 22, 2009. The brief is presently due on July 22, 2009.

4. I currently have three opening briefs due in July and four opening briefs due in August. I have also prepared two writs of supervisory control within the last few weeks and therefore need additional time to complete the briefing in this matter.

5. I will work diligently to complete the matter in the time requested.

6. Opposing counsel has been contacted concerning this motion and does not object.

7. Further your affiant sayeth naught.



TARYN STAMPFL HART

SUBSCRIBED AND SWORN to before me this 15th day of

July, 2009.

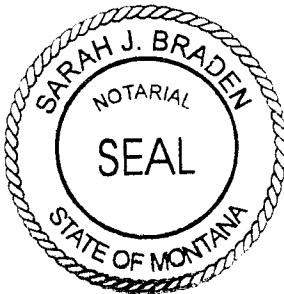


Sarah J. Braden

Notary Public for the State of Montana

Residing at Helena

My commission expires 1/25/2011



CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

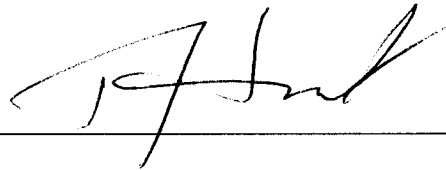
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DAVID W. GUNDERSON 11820
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: _____

7/15/09

A handwritten signature in black ink, appearing to be "J. H. Ind", written over a horizontal line.